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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (NDPS) 32 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.01.2023 in connection with Siliguri Police Station Case No. 1072 of 2021 dated 28.08.2021 under Section 20(b)(ii)(c) of the NDPS Act, 1985.

In the matter of : Suraj Sahani and another

... petitioners

Mr. Hillol Saha Poddar

...for the petitioners

Mr. Nilay Chakraborty,

Mr. Chattu Roy

.....for the State.

Learned counsel appearing for the petitioners submits that the petitioners were mere pedestrians and were hauled up without having any part to play in the offence. It is submitted that one of the co-accused is already on bail. Moreover, the petitioners are in custody for about one year and five months.

Learned counsel appearing for the State opposes the prayer for bail seriously and submits that custodial trial is necessary in the present case. That apart, it is contended that the co-accused, who was granted bail, was not named in the F.I.R, unlike the present petitioner. Moreover, it is submitted that contraband articles were recovered from all

the accused persons and, as such, prayer for bail of the petitioners should be rejected.

Having heard learned counsel for the parties and considering the above circumstances of the case, we are not inclined to grant bail to the petitioners at this stage.

Accordingly, CRM (NDPS) 32 of 2023 is dismissed.

It is expected that trial shall be expedited and be concluded at the earliest, preferably within nine months from date.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)